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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/046,972 | 01/17/2002 | Masanari Koguchi | NITT.0055 | 5423 |

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| EXAMINER | |
|---|---|
| KOPPIKAR, VIVEK D | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3626 | |

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/046,972 | KOGUCHI ET AL. | |
| | Examiner | Art Unit | |
| | Vivek D. Koppikar | 3626 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on 1/17/2002

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *1/17/02* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/17/02*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Status of the Application*

1. Claims 1-10 have been examined in this application. This communication is the first action on the merits. The Information Disclosure Statement (IDS) statement filed on January 17, 2002 has also been acknowledged.

### *Claim Objections*

2. Claim 8 is objected to because of the following informalities:

(A) On line 20 of claim 8 the word "with" should be changed to "while". Appropriate correction is required.

(B) In claim 8, it is not clear where the preamble ends and the body of the claim denoting the limitations of the claim begins. Appropriate correction and clarification is required.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-4, 6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,619,991 to Sloane in view of US Patent Number 6,968,302 to Ahrens and in further view of US Patent Number 5,774,663 to Randle and in further view of US Patent Number 6,853,985 to Yamashita.

(A) As per claim 1, the combined method of Sloane in view of Randle and Ahrens teaches a network solution analysis method comprising:

a customer, a specimen analysis organization, and specimen analysis apparatus (Sloane: Col. 1, Ln. 63-Col. 2, Ln. 8);

The specimen analysis organization acquires the measurement data by controlling the specimen analysis apparatus according to an order from the customer (e.g. doctor) and sends the acquired measurement data to the customer (e.g. doctor) (Sloane: Col. 1, Ln. 63-Col. 2, Ln. 8).

Sloane does not teach that the customer, specimen analysis organization and the specimen analysis apparatus are all connected to a network communication line, however, this feature is well known in the art as evidence by Ahrens (Abstract). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Sloan with the aforementioned feature from Ahrens with the motivation of providing a means of remote analysis and control of test and measurement devices, as recited in Ahrens (Abstract).

The combined method of Sloane in view of Ahrens does not teach that the customer participated in the analysis work cooperatively with the specimen analysis organization, however, this feature is well known in the art as evidence by Randle (Col. 2, Ln. 40-65). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the method of Sloane in view of Ahrens with the aforementioned feature from Randle with the motivation of providing an electronic replication of the traditional in-person face-to-face conference between a business (provider) and a customer, as recited in Randle (Col. 2, Ln. 61-65). (Note: In Randle the networked cooperative communication takes place between a banker and a consumer, however, the examiner takes the position that the general concept taught by Randle is applicable to any business relationship including the relationship between a customer and a specimen analysis organization.)

The combined method of Sloane in view of Ahrens and Randle does not teach the step wherein the customer confirms the acquired measurement data received from the specimen analysis organization and the charge corresponding to the service content through a networked computer, however, this feature is taught by Yamashita (Detailed Description; Paragraph 145). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method of Sloane in view of Ahrens and Randle with the aforementioned feature teaching from Yamashita with the motivation of providing a customer with a means of confirming a charge as recited in Yamashita (Detailed Description; Paragraph 145).

(B) As per claims 2-4 and 6, these claims repeats features previously addressed in the rejection of claim1 and are rejected on the same basis.

(C) As per claims 8-10, these claims repeat features previously addressed in the rejection of claim 1 and are rejected on the same basis. These claims do not expressly teach the specific data (e.g. diffraction patterns and stress distributions) recited in claim 1, however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); In re Lowry, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP 2106.*

5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,619,991 to Sloane in view of US Patent Number 6,968,302 to Ahrens and in further view of US Patent Number 5,774,663 to Randle and in further view of US Patent Number 6,853,985 to Yamashita, as applied to Claim 1, above, and in further view of US Patent Number 6,611,856 to Stoodley.

(A) As per claim 5, Sloane, Ahrens, Randle and Yamashita do not teach or suggest an apparatus control screen, measurement data display screen, charge screen, and monitor screen are displayed dividedly or arbitrary screens selected from among these screens are displayed on the screen of the network compute, however, this feature (i.e. displaying multiple screens on a monitor of a computer wherein the monitor is divided by the multiple screens) is well known in the art, as evidenced by Stoodley (Col. 8, Ln. 56-60). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined method of Sloane, Ahrens, Randle and Yamashita with the aforementioned feature from Stoodley with the motivation of having a means of displaying information from multiple data entry fields, as recited in Stoodley (Col. 8, Ln. 56-60).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Number 5,619,991 to Sloane in view of US Patent Number 6,968,302 to Ahrens and in further view of US Patent Number 5,774,663 to Randle and in further view of US Patent Number 6,853,985 to Yamashita, as applied to Claim 6, above, and in further view of US Patent Number 5,928,324 to Sloan.

(A) As per claim 7, Sloane, Ahrens, Randle and Yamashita do not teach or suggest that the network is provided with a memory area, and a library function that accumulates the analysis

data in the past in the memory area and discloses the analysis data in response to the request from the customer, however, this feature is well known in the art as evidenced by Sloan (Col. 4, Ln. 35-44). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined system of Sloan, Ahrens, Randle and Yamashita with the aforementioned teachings from Sloan with the motivation of having a means of storing applications in a memory, as recited in Sloan (Col. 4, Ln. 35-44).

***Conclusion***

7. Any inquire concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Joseph Thomas, can be reached at (571) 272-6776. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

8. Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sincerely,

Vivek Koppikar

5/15/2006

JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER